



MAR 11 2003

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA)

Application Number	09/148,234
Filing Date	September 4, 1998
First Named Inventor	MOUTSATSOS, I annis
Group Art Unit	1636
Examiner Name	SANDALS, William O.
Attorney Docket Number	P-4739-US

#32
PD
3-15-03

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 20000), which established RCE practice.1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Communication in Response to Office Action dated February 7, 2002, including Declaration by Dr. Dan Gazit

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c)
for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17 (D) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to
Deposit Account No. **05-0649**.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2028 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	<u>Mark S. Cohen</u>	Registration No. (Attorney/Agent)	42,425
Signature		Date	March 6, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

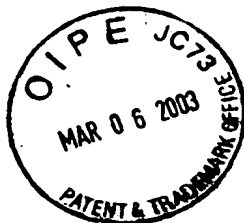
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box RCE, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: ^

Name (Print/Type)	_____	Date	_____
Signature	_____		

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#36
BP
3-15-03

P-4739-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Moutsatos I. et al.

SERIAL NO.: 09/148,234

EXAMINER: Sandals, W.

FILED: September 4, 1998

ART UNIT: 1646

FOR: GENETICALLY ENGINEERED CELLS, WHICH EXPRESS
BONE MORPHOGENIC PROTEINS

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COMMUNICATION IN RESPONSE TO OFFICE ACTION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231
Box: AF

Dear Sir:

This Communication is filed in response to the Office Action dated February 7, 2002 issued by the United States Patent and Trademark Office finally rejecting the claims in connection with the above-identified Application. A Notice of Appeal was submitted on August 6, 2002. An Appeal Brief was due October 6, 2002. Applicants are concurrently filing a Petition for an Extension of Time for an Additional Five (5) Months. Thus the subject Application is pending. Accordingly, this Communication is being timely filed.

REMARKS

Claims 11, 12, 14-17 and 19-23 are pending in the Subject Application.

THE TELEPHONE INTERVIEW

Applicants wish to thank Examiner William Sandals of the United States Patent and trademark Office for the telephone interview with Applicants' Representatives Mark. S. Cohen, and Barbara A. Gyure of Wyeth.